IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 1336 of 2007(H)

PETITIONER:

K.K.SADANANDAN, AGED 49 YEARS,
S/O.KORU, KARIPALI HOUSE, DESAMANGALAM P.O.,
THRISSUR DISTRICT.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:
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1. THE GEOLOGIST,
MINING AND GEOLOGY DISTRICT OFFICE,
PUTHOORKARA, AYYANTHOL, THRISSUR DISTRICT.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOL, THRISSUR DISTRICT.

3. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

4. THE TAHSILDAR, THALAPPILLY TALUK
OFFICE, THALAPPILLY, VADAKKANCHERRY,
THRISSUR DISTRICT.

5. THE VILLAGE OFFICER,
PALLOOR VILLAGE OFFICE, DESAMANGALAM,
THRISSUR DISTRICT.

BY G.P. SRI.P.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DT.4.7.2006 BEFORE R3 FOR OBTAINING NOC FOR MINING ORDINARY SAND.

P2: TRUE COPY OF THE LETTER DT.11.7.2005 ISSUED BY R1 TO R3.

P3: TRUE COPY OF THE PROFORMA REPORT PREPARED BY R4 DT.8.2.2006.

TRUE COPY OF REPORT DT.25.2.2006 SUBMITTED BY R4 TO R3.

P5: TRUE COPY OF DIRECITON ISSUED BY R3 TO R1 DT.6.3.2006.

P6: TRUE COPY OF THE SKETCH OF THE PROPERTY WHERE MINING HAS TO BE CONDUCTED PREPARED BY R5 DT.8.2.2006.

P7: TRUE COPY OF THE QUARRYING PERMIT DT.8.3.2006 WHICH WAS VALID UPTO 7.4.2006.

P8: .DO. DT.1.9.2006 ISSUED BY R1 TO THE PETITIONER VALID UPTO 10.10.2006.

P9: TRUE COPY OF THE LETTER ISSUED BY R1 TO R2 DT.12.10.2006.

P10: TRUE COPY OF REPORT DT.30.10.2006 ISSUED BY R4 TO R3.

P11: TRUE COPY OF THE REPORT DT.30.10.2006 ISSUED BY R3 TO R2.

P12: TRUE COPY OF REPORT OF R1 DT.8.11.2006 ISSUED TO R2.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.1336 of 2007

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Dated this the 23rd day of January, 2007.

JUDGMENT

Inspite of recommendation by the Tahsildar and the R.D.O. in favour of petitioner for mining sand from paddy field owned by the petitioner, the District Collector has not issued clearance is the grievance of the petitioner. Government Pleader submitted that there are complaints against mining and the Collector is studying the matter based on reports. The W.P. is therefore disposed of directing the second respondent to take a decision and communicate the same to the petitioner after going through the reports of the concerned authorities and if necessary, after conducting a local inspection by the Collector herself. It would be open to the Collector to impose such restrictions as are required to protect public interest, mainly safety. The W.P. is disposed of with the above direction but leaving freedom to the petitioner to challenge Collector's order, if petitioner has any grievance and any tenable ground in support of it.

C.N.RAMACHANDRAN NAIR
Judge

pms